

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2429 OF 2018

Shubham Dattatraya JadhavApplicant

V/s.

The State of MaharashtraRespondent

Mr. Aniket Nikam a/w. Mr. Piyush Toshniwal for the applicant.

Mr. N.B. Patil, APP for the State.

Mr. Kiran S. Deshmukh, PSI, Hadapsar Police Station, Pune, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th OCTOBER, 2018.

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.371/2018 registered with Hadapsar Police Station, Dist. Pune for offences punishable under sections 362(2)(L), 376(d), 377, 452, 323, 506(2) of the Indian Penal Code.

2. Heard Mr. Aniket Nikam, learned counsel for the applicant and Mr. N.B. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first informatin report lodged by the sister-in-law of the prosecutrix. The first informant has stated that the prosecutrix is a mentally challenged girl. On 05/04/2018, the prosecutrix had informed the first informant that Pankaj Thakur used to constantly phone her. He used to tell her that he was in love with her. He used to come to her house in the absence of her brother and sister-in-law and rape her. Based on this information, the first informant had lodged the report against Pankaj Thakur. The statement of the prosecutrix indicates that Pankaj Thakur and his friends had subjected her to rape. The first informant as well as prosecutrix have not named the applicant. The prosecutrix has not identified the present applicant. Mr.N.B. Patil, learned APP concedes that there is no prima facie material on record to show that the applicant herein was involved in committing rape on the prosecutrix.

5. In the light of above statement, in my considered view, this is a fit case for grant of bail. Furthermore, the applicant is a resident of Hadapsar, Dist. Pune and there are no chances of the applicant absconding and/or thwarting the course of justice. The applicant has no criminal antecedents.

6. Considering the above facts and circumstances, the Bail Application is allowed on following terms and conditions :-

(a) The applicant who is arrested in C.R.No.371/2018 registered with Hadapsar Police Station, Dist. Pune is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.

(d) The applicant shall not interfere with the prosecutrix or the other witnesses in any manner and shall not tamper with the evidence.

(e) The applicant shall report to the Investigation Officer or in his absence to the Senior Police Inspector, Hadapsar Police Station on 1st and 3rd Monday of every month until further orders.

(SMT. ANUJA PRABHUDESSAI, J.)